

110TH CONGRESS
1ST SESSION

H. R. 4106

To improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2007

Mr. DAVIS of Illinois (for himself, Mr. SARBANES, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. CUMMINGS, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telework Improve-
5 ments Act of 2007”.

6 **SEC. 2. GOVERNMENT-WIDE TELEWORK REQUIREMENT.**

7 (a) REQUIREMENT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the head
3 of each agency shall establish a policy under which
4 employees may be authorized to telework. Authorized
5 employees shall be allowed to telework at least 20
6 percent of the hours worked in every 2 administra-
7 tive workweeks.

8 (2) APPLICABILITY.—The policy established by
9 each agency under this subsection shall, in conform-
10 ance with uniform guidelines which shall be estab-
11 lished under section 3(2), ensure that the oppor-
12 tunity to telework is made available to employees to
13 the maximum extent possible without diminishing
14 employee performance or agency operations.

15 (3) RULE OF CONSTRUCTION.—Nothing in this
16 Act shall be considered to require any employee to
17 telework.

18 (b) EXCEPTIONS.—Nothing in subsection (a) shall be
19 considered—

20 (1) to require that teleworking be made avail-
21 able to any employee whose duties and responsibil-
22 ities—

23 (A) require daily access to classified infor-
24 mation;

1 (B) require daily face-to-face contact with
2 members of the public or other persons, or the
3 use of equipment, at the employee's regular
4 place of employment; or

5 (C) are such that their performance from
6 a site removed from the employee's regular
7 place of employment is not feasible; or

8 (2) to prevent an agency from temporarily de-
9 nying permission to telework in the case of any em-
10 ployee who needs any additional training.

11 (c) COORDINATION WITH CONTINUITY OF OPER-
12 ATIONS PLAN.—Nothing in this section shall prevent an
13 agency from permitting an employee to telework as part
14 of a continuity of operations plan.

15 **SEC. 3. IMPLEMENTATION.**

16 In order to carry out the purposes of this Act—

17 (1) the head of each agency shall ensure that—

18 (A) appropriate training is provided to su-
19 pervisors and managers and to all employees
20 who are authorized to telework; and

21 (B) no distinction is made between tele-
22 workers and nonteleworkers for the purposes of
23 performance appraisals; and

24 (2) the General Services Administration, in con-
25 sultation with the Office of Personnel Management,

1 shall provide advice, assistance, and guidance to
2 agencies, including with respect to—

3 (A) questions of eligibility, including con-
4 siderations relating to employee performance;

5 (B) information security;

6 (C) making teleworking part of the agen-
7 cy's (including individual supervisors' and man-
8 agers') goals;

9 (D) in coordination with the Federal
10 Emergency Management Agency, continuity of
11 operations planning; and

12 (E) the grievance process employees should
13 follow in the event of a dispute that relates to
14 teleworking.

15 **SEC. 4. TELEWORK MANAGING OFFICER.**

16 (a) IN GENERAL.—There shall be within each agency
17 an officer to be known as the “Telework Managing Offi-
18 cer”. The Telework Managing Officer shall—

19 (1) in the case of an agency which has a posi-
20 tion of Chief Human Capital Officer—

21 (A) be appointed by the Chief Human
22 Capital Officer of such agency; and

23 (B) be compensated at not less than the
24 minimum rate of basic pay for grade GS–15 of
25 the General Schedule; and

1 (2) in the case of an agency which does not
2 have a position of Chief Human Capital Officer, be
3 appointed or designated—

4 (A) by the head of such agency; and

5 (B) be compensated at not less than the
6 minimum rate of basic pay for grade GS–15 of
7 the General Schedule.

8 (b) LIMITATIONS.—An individual may not hold the
9 position of Telework Managing Officer as a noncareer ap-
10 pointee (as defined in section 3132(a)(7) of title 5, United
11 States Code), and such position may not be considered or
12 determined to be of a confidential, policy-determining, pol-
13 icy-making, or policy-advocating character.

14 (c) DUTIES AND RESPONSIBILITIES.—The duties and
15 responsibilities of the Telework Managing Officer of an
16 agency are as follows:

17 (1) Serving as—

18 (A) an advisor to the head of the agency
19 and the Chief Human Capital Officer of such
20 agency (if any) on teleworking;

21 (B) a resource on teleworking for super-
22 visors, managers, and employees of such agen-
23 cy; and

1 (C) the agency's primary point of contact
2 on teleworking matters for employees of such
3 agency, Congress, and other agencies.

4 (2) Ensuring that the agency's teleworking pol-
5 icy is communicated effectively to employees.

6 (3) Ensuring that electronic or written notifica-
7 tion is provided to each employee of specific telework
8 programs and the agency's teleworking policy, in-
9 cluding authorization criteria and application proce-
10 dures.

11 (4) Developing and administering a tracking
12 system for compliance with Government-wide
13 telework reporting requirements.

14 (5) Providing to the Comptroller General (and
15 to the General Services Administration) such infor-
16 mation as the Comptroller General may require to
17 prepare the annual reports under section 5(b).

18 (6) Establishing a system for receiving feedback
19 from agency employees on the agency's teleworking
20 policy.

21 (7) Developing and implementing a program to
22 identify and remove barriers to teleworking and
23 maximize teleworking opportunities in the agency.

1 (8) Performing such other duties and respon-
2 sibilities relating to teleworking as the head of the
3 agency may require.

4 (d) TELEWORK COORDINATOR.—The appointment or
5 designation of a Telework Managing Officer under sub-
6 section (a) shall be considered to satisfy the provisions of
7 section 622 of division B of the Consolidated Appropria-
8 tions Act, 2005 (Public Law 108–447) requiring the des-
9 ignation of a “Telework Coordinator”.

10 **SEC. 5. ANNUAL TELEWORK AGENCY RATING.**

11 (a) IN GENERAL.—The Comptroller General shall es-
12 tablish a system for evaluating—

13 (1) the teleworking policy of each agency; and

14 (2) employee participation in telework programs
15 at each agency.

16 (b) REPORT.—The Comptroller General shall, based
17 on the system established under subsection (a), submit an
18 annual report to the Committee on Oversight and Govern-
19 ment Reform of the House of Representatives and the
20 Committee on Homeland Security and Governmental Af-
21 fairs of the Senate. Such report shall, with respect to the
22 year covered by the report—

23 (1) evaluate the teleworking policy of each
24 agency;

1 (2) for each agency, indicate the total number
2 of employees in such agency and identify—

3 (A) the number of employees who were eli-
4 gible to telework;

5 (B) the number of employees who tele-
6 worked an average of at least once a week on
7 a regular basis, determined based on time spent
8 actually teleworking;

9 (C) the number of employees who tele-
10 worked at least once a month on a regular
11 basis;

12 (D) the number of employees who were not
13 authorized to telework and the reason why they
14 were not authorized;

15 (E) the number of employees who were au-
16 thorized to telework and then later stopped tele-
17 working, the reasons why those employees
18 stopped teleworking, and whether it was vol-
19 untary or due to other factors, such as office
20 coverage needs or productivity; and

21 (F) the extent to which barriers to maxi-
22 mizing teleworking opportunities have been
23 identified and eliminated;

24 (3) evaluate the compliance of each agency with
25 the requirements of this Act; and

1 (4) identify best practices in agency telework
2 programs.

3 **SEC. 6. CONTINUITY OF OPERATIONS.**

4 (a) IN GENERAL.—The head of each agency shall en-
5 sure that, to the maximum extent practicable, teleworking
6 is incorporated into the continuity of operations planning
7 of such agency.

8 (b) COORDINATION RULE.—The continuity of oper-
9 ations plan of an agency shall supersede any teleworking
10 policy of such agency to the extent that they are incon-
11 sistent with one another.

12 (c) REPORTING REQUIREMENT.—No later than 1
13 year after the date of the enactment of this Act, the Gen-
14 eral Services Administration, in coordination with the Of-
15 fice of Personnel Management, the Federal Emergency
16 Management Agency, and the Chief Human Capital Offi-
17 cers Council, shall report to the Committee on Oversight
18 and Government Reform of the House of Representatives
19 and the Committee on Homeland Security and Govern-
20 mental Affairs of the Senate on the incorporation of tele-
21 working into agencies' continuity of operations planning,
22 including—

23 (1) the extent to which such incorporation has
24 occurred within each of the respective agencies;

1 (2) the extent to which each agency has con-
2 ducted continuity of operations tests and exercises
3 incorporating teleworking for essential and non-es-
4 sential personnel;

5 (3) the extent to which agencies have used tele-
6 working in response to emergencies; and

7 (4) any recommendations the General Services
8 Administration considers appropriate.

9 **SEC. 7. DEFINITIONS.**

10 For purposes of this Act—

11 (1) the term “employee” has the meaning given
12 such term by section 2105 of title 5, United States
13 Code;

14 (2) the term “agency” means an Executive
15 agency, as defined by section 105 of title 5, United
16 States Code;

17 (3) the term “telework” or “teleworking” refers
18 to a work arrangement in which an employee regu-
19 larly performs such employee’s duties and respon-
20 sibilities from home or another worksite removed
21 from the employee’s regular place of employment;
22 and

23 (4) the term “continuity of operations” refers
24 to the preparations and institutions maintained by
25 the Government to provide for the continuation of

- 1 Government operations in the event of a catas-
- 2 trophe.

